

HC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JUN 11 AM 10:22

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan NAVA-Mendoza
(AKA: Juan RADILLA)

Defendant.

Magistrate Case No.

8 MJ 1815

COMPLAINT FOR VIOLATION OF: DEPUTY

Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about, **January 4, 2008**, within the Southern District of California, defendant, **Juan NAVA-Mendoza (AKA: Juan RADILLA)**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent;
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11th** DAY OF **June 2008**.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On January 4, 2008, the defendant identified as Juan NAVA-Mendoza (AKA: Juan RADILLA) was arrested by the San Diego Police Department in regards to various State violations and booked into county jail. While in the custody of county jail, an Immigration Enforcement Agent determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release. On June 10, 2008, the defendant was referred to the custody of Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks confirming the defendant to be a citizen of Mexico having been previously removed from the United States on at least two occasions.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was ordered removed from the United States by an Immigration Judge on or about February 15, 2006 and removed to Mexico via the San Ysidro Port of Entry. Record checks further revealed that the defendant was issued a re-instatement of removal on or about March 3, 2007 and removed to Mexico via the San Ysidro Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Juan NAVA-Mendoza a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

The defendant was admonished as to his rights per "MIRANDA" in the Spanish language at approximately 11:00 a.m., acknowledged those rights and elected to answer questions without counsel present.

The defendant acknowledged that he is a citizen of Mexico by virtue of birth, was removed from the United States on the two indicated occasions and had not obtained a waiver in order to re-enter the United States. The defendant further stated that he most recently entered the United States on or about November 2007 through the fields near Otay Mesa, California.